

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**EDWARD BUTOWSKY,**

**Plaintiff,**

**v.**

**MICHAEL GOTTLIEB, *et al.***

**Defendants.**

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**CIVIL ACTION NO. 4:19-cv-0180-ALM-KPJ**

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**DECLARATION OF MARC FULLER IN SUPPORT OF VOX MEDIA DEFENDANTS’  
MOTION TO DISMISS UNDER RULE 12(b)(6)**

I, Marc Fuller, make this declaration under penalty of perjury under the laws of the United States:

1. My name is Marc Fuller. I am over the age of eighteen, of sound mind, and am fully competent to make this declaration. Unless otherwise stated, the facts in this declaration are based on personal knowledge.

2. I am an attorney with Vinson & Elkins, LLP, counsel of record to Defendants Vox Media, Inc. and Jane Coaston (collectively “Vox Media Defendants”). I make this declaration in support of Vox Media Defendants’ motion to dismiss under Rule 12(b)(6).

3. Attached as Exhibit A to this declaration is a true and correct copy of the article published on March 23, 2018, and updated on April 19, 2019, on [www.vox.com](http://www.vox.com), headlined “Seth Rich’s parents are taking their fight against Fox News to court.” True and correct copies of the documents that appear at the numbered hyperlinks in the article are attached as Exhibits A(1)-(17). This is the article referenced at paragraphs 75-77 of Plaintiff’s Original Complaint.

4. Attached as Exhibit B to this declaration is a true and correct copy of the article published on October 1, 2018, on [www.vox.com](http://www.vox.com), headlined “A right-leaning newspaper is finally retracting the conspiracy theories it published about Seth Rich.” True and correct copies of the documents that appear at the numbered hyperlinks in the article are attached as Exhibits B(1)-(17). This is the article referenced at paragraphs 78-79 of Plaintiff’s Original Complaint.

5. Attached as Exhibit C is a true and correct copy of excerpts of the complaint in *Rich v. Edward Butowsky*, No. 1:18-cv-00681-RJL in the United States District Court for the District of Columbia.

6. Attached as Exhibit D to this declaration is a copy of homepage of Plaintiff’s personal website, <http://www.edbutowsky.com/> (last visited June 28, 2019).

7. Attached as Exhibit E to this declaration is a copy of the CNN web page where a 22-minute video of Plaintiff’s August 2, 2017 interview is available, <https://www.cnn.com/videos/cnnmoney/2017/08/02/butowsky-fox-news-seth-rich-cuomo-intv-ctn-full-interview.cnn> (last visited June 28, 2019).

8. Attached as Exhibit F to this declaration is a copy of Cassandra Fairbanks, *Ed Butowsky Sits Down With Gateway Pundit for First Interview After Being Sued by Family in Seth Rich Murder Mystery*, THEGATEWAYPUNDIT.COM, (Mar. 19, 2018), <https://www.thegatewaypundit.com/2018/03/ed-butowsky-sits-first-interview-gateway-pundit-sued-family-seth-rich-murder-mystery/> (last visited June 28, 2019).

10. Attached as Exhibit G is a true and correct copy of excerpts of the original complaint filed in this Court by plaintiff Edward Butowsky in *Butowsky v. Folkenflik*, No. 4:18-cv-00442-ALM.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of June, 2019.

/s/ *Marc A. Fuller* .  
MARC FULLER